

APPEAL NO. 022729  
FILED DECEMBER 9, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on May 23, 2002. The hearing officer determined, in a CCH after remand (Texas Workers' Compensation Commission Appeal No. 021596, decided August 15, 2002), and after further development of the evidence, that the date that the appellant (claimant) knew, or should have known, that he had an injury that may be related to his employment was no later than April 30, 2001; that he did not report his injury to his employer until \_\_\_\_\_; and that he did not have good cause for late reporting. The claimant has appealed these findings; the respondent (self-insured) seeks affirmance.

DECISION

We affirm the hearing officer's decision.

Additional facts were brought out at the CCH on remand. We have reviewed the record and agree that the hearing officer's findings have support in the record. The hearing officer is the sole judge of the relevance, materiality, weight, and credibility of the evidence presented at the hearing. Section 410.165(a). The decision should not be set aside because different inferences and conclusions may be drawn upon review, even when the record contains evidence that would lend itself to different inferences. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). An appeals-level body is not a fact finder and does not normally pass upon the credibility of witnesses or substitute its own judgment for that of the trier of fact, even if the evidence would support a different result. National Union Fire Insurance Company of Pittsburgh, Pennsylvania v. Soto, 819 S.W.2d 619, 620 (Tex. App.-El Paso 1991, writ denied); American Motorists Insurance Company v. Volentine, 867 S.W.2d 170 (Tex. App.-Beaumont 1993, no writ). Conflicting evidence was offered on date of evidence, notice, and good cause. In considering all the evidence in the record, we cannot agree that the findings of the hearing officer are so against the great weight and preponderance of the evidence as to be manifestly wrong and unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). We therefore affirm the decision and order.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**CITY SECRETARY  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Susan M. Kelley  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Robert W. Potts  
Appeals Judge